

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-CV-00246-M

RICHARD POLIDI,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
BOSTON et al.,)	
)	
Defendants.)	
)	
)	

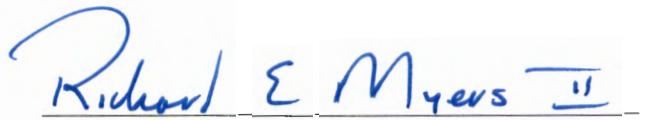
This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Kimberly A. Swank in this case on November 26, 2024 [DE 17]. In the Recommendation, Judge Swank recommends that the court dismiss Plaintiff’s complaint without prejudice. DE 17 at 2. The Recommendation, along with instructions and a deadline for filing objections, was served on the parties on November 26. *See id.* at 3. Plaintiff objected to the Recommendation and the United States filed a response. DE 18; DE 19.

A magistrate judge’s recommendation carries no presumptive weight. *See United States ex rel. Wheeler v. Acadia Healthcare Co., Inc.*, 127 F.4th 472, 486 (4th Cir. 2025). The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). “The Federal Magistrates Act only requires district courts to ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” *Osmon v. United States*, 66 F.4th 144, 146 (4th Cir. 2023) (quoting 28 U.S.C. § 636(b)(1)). And “a party’s objection to a magistrate judge’s report [must] be specific and

particularized.” *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon de novo review of the Recommendation and the record presented, the court ADOPTS the Recommendation of Judge Swank [DE 17] as its own. For the reasons stated therein, Plaintiff’s Complaint [DE 1] is DISMISSED WITHOUT PREJUDICE.

SO ORDERED this 4th day of June, 2025.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE